

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**DAVID W. SPINDLE**

**vs.**

**CKJ TRUCKING, LP**

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**CIVIL ACTION NO. 4:18-cv-818**

**PLAINTIFF'S OPPOSED MOTION FOR LEAVE  
TO FILE PLAINTIFF'S AMENDED COMPLAINT**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COMES NOW**, David W. Spindle, Plaintiff in the above entitled and numbered cause, and files this opposed motion for leave to file Plaintiff's amended complaint and, in support thereof, would respectfully show the Court the following:

**I. SUMMARY OF THE MOTION**

Plaintiff respectfully moves the Court for leave to file his amended complaint.

Plaintiff seeks to include Defendant's successor entity, CKJ Transport of North Texas, LLC as a Defendant in the matter.

Pursuant to the Scheduling Order (dkt#15), the deadline for Plaintiff to file amended pleadings was May 15, 2019.

On May 17, 2019, Plaintiff's counsel deposed Ms. Ginger Kennemer, Defendant's office manager/human resources manager. In her deposition, Ms. Kennemer testified Defendant CKJ Trucking, LP had transferred all company employees and assets to its successor entity, CKJ Transport of North Texas, LLC. See Kennemer Depo., p. 20, l. 12 through p. 23, l. 10, attached hereto as Exhibit A.

## **II.**

On June 6, 2019, counsel for Plaintiff forwarded the motion for leave to amend along with the proposed amended complaint to counsel for Defendant, John L. Ross, for purposes of conference. Mr. Ross responded with a seven (7) page email and stated he was opposed to the motion for leave to amend Plaintiff's complaint.

## **III. CONCLUSION**

Plaintiff respectfully urges his unopposed motion for leave to file his amended complaint be granted and Plaintiff's Amended Complaint be deemed filed; that any required response by Defendant to the Amended Complaint be due within twenty-one (21) days of the Court's order.

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff respectfully requests the Court grant his unopposed motion for leave to file his amended complaint be granted and Plaintiff's Amended Complaint be deemed filed; that any required response by Defendant to the Amended Complaint be due within twenty-one (21) days of the Court's order; and for such other relief, whether general or special, at law or in equity, to which Plaintiff may show himself to be justly entitled.

Respectfully submitted,

**RONALD R. HUFF**  
Attorney and Counselor at Law  
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Sherman, Texas 75090  
(903) 893-1616 (telephone)  
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/s/ Ronald R. Huff  
Ronald R. Huff (SBN 10185050)

**ATTORNEY FOR PLAINTIFF**

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that on the 5th day of June 2019, I forwarded a copy of Plaintiff's motion for leave to amend complaint along with the proposed amended complaint to Defendant's counsel, John L. Ross, and requested a conference to discuss Plaintiff's motion for leave to amend his complaint. Mr. Ross responded with a seven page email indicating he is opposed to the motion. See Exhibit C attached hereto.

/s/ Ronald R. Huff  
Ronald R. Huff

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 10, 2019, a true and correct copy of the foregoing was forwarded in accordance with the Federal Rules of Civil Procedure to:

John L. Ross  
Thompson, Coe, Cousins & Irons, LLP  
700 North Pearl Street, Suite 2500  
Dallas, Texas 75201

/s/ Ronald R. Huff  
Ronald R. Huff